



CPED STAFF REPORT

Prepared for the Board of Adjustment

BOA Agenda Item #1
May 15, 2014
BZZ-6504

LAND USE APPLICATION SUMMARY

Property Location: 3141 Aldrich Avenue South
Project Name: 3141 Aldrich Avenue South
Prepared By: [Shanna Sether](#), Senior City Planner, (612) 673-2307
Applicant: Wyatt S. Partridge, Esq.
Project Contact: Wyatt S. Partridge, Esq.
Request: To convert an existing two-family dwelling to a triplex and allow for a 3rd story addition.

Required Applications:

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| Variance | To reduce the north interior side yard setback from 9 feet to approximately 4 feet to allow for an addition and conversion from a two-family dwelling to a triplex. |
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SITE DATA

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| Existing Zoning | R4 Multiple Family District |
| Lot Area | 5,440 square feet / .125 acres |
| Ward(s) | 10 |
| Neighborhood(s) | CARAG |
| Designated Future Land Use | Urban Neighborhood |
| Land Use Features | Community Corridor (Lyndale Avenue) – one block to the east Community Corridor (Bryant Avenue South) – one block to the west |
| Small Area Plan(s) | Lyndale Avenue: A Vision |

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|---|----------------|---------------------------------------|----------------|
| Date Application Deemed Complete | April 15, 2014 | Date Extension Letter Sent | Not applicable |
| End of 60-Day Decision Period | June 14, 2014 | End of 120-Day Decision Period | Not applicable |

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The subject property is approximately 45.8 feet by 119 feet (5,440 square feet) and is a two and a half-story, two-family dwelling. The two-family dwelling was constructed in 1915. In 2010, the property was condemned and boarded. In 2011, the new property owner received the necessary building permits and a code compliance certificate to restore the existing two-family dwelling. The property is zoned R4 Multiple-Family District, which would allow for up to four dwellings on the property as a permitted use.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The surrounding properties include several apartment buildings, ranging from three units to 38 units, three congregate living facilities, one restaurant (Pizza Luce') and several single- and two-family dwellings. The subject property is directly east of Bryant Square Park.

PROJECT DESCRIPTION. The applicant is proposing to add a third story to the existing building to allow for a third dwelling unit within the building. The applicant is proposing to match the existing roof-style and pitch and match the existing exterior materials (stucco with timber accents). In addition, the applicant will be removing the existing curb cut and driveway along the south side of the property. The applicant will provide a parking pad accessed from the public alley; thereby reducing the impervious surface by 35%.

The existing building is located approximately 4 feet to the north property line. By converting the use from a two-family dwelling to a triplex and adding a third story, the minimum interior side yard setback increases to 9 feet. Therefore, the applicant is seeking a variance to reduce the north interior side yard setback from 9 feet to approximately 4 feet to allow for the construction of the third floor addition to allow for the conversion to a triplex.

PUBLIC COMMENTS. Staff has not received correspondence from the CARAG neighborhood. Any correspondence received prior to the public meeting will be forwarded on to the Board of Adjustment for consideration.

ANALYSIS

VARIANCE

The Department of Community Planning and Economic Development has analyzed the application for a variance to reduce the north interior side yard setbacks from 9 feet to approximately 4 feet to allow for an addition and conversion from a two-family dwelling to a triplex based on the following [findings](#):

1. *Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.*

The circumstances upon which the variance is requested are unique to the parcel of land due to the location of the existing dwelling. The applicant is proposing to construct a third floor to the existing two and a half-story dwelling. The existing land use is a two family dwelling, which has nonconforming rights to the existing side-yard setback of approximately 4 feet. The applicant is proposing to convert the structure from a two-family dwelling to a triplex, which increases the side

yard setback from 5 feet to 9 feet. Therefore, the applicant is seeking a variance to reduce the north side yard setback from 9 feet to approximately 4 feet to allow for a height increase of 8 feet 1 inch. Staff finds that these circumstances create a practical difficulty that was not created by the applicant.

2. *The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.*

The applicant is proposing to construct a third floor addition to an existing dwelling, approximately 4 feet from the north property line. The purpose of required yards is to provide for orderly development and use of land and to minimize conflicts among land uses by providing adequate light, air, open space and separation of uses. The neighboring dwelling is a 22-unit apartment building, approximately 7 feet from the shared property line, where the minimum required yard would also be 9 feet. The applicant is proposing to convert the existing duplex to a triplex, which is a permitted use in the R4 District. Two means of egress are required from the third floor of a multiple-family structure, per the International Building Code. The existing stairs at the front and the rear of the building would not have adequate headroom height to access the existing third floor, under the gable roof; therefore, the addition is required in order to comply with the building code. Staff finds that the applicant is proposing to use the property in a reasonable manner consistent with the spirit and intent of the ordinance and the comprehensive plan.

3. *The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.*

Staff finds that the granting of the variance would not be injurious to the use or enjoyment of other property in the vicinity. The neighboring dwelling is a 22-unit, multiple family apartments approximately 7 feet from the shared property line, where the minimum required yard would also be 9 feet. The applicant is proposing to convert the existing duplex to a triplex, which is a permitted use in the R4 District. The applicant is proposing to match the existing roof-style and pitch and match the existing exterior materials (stucco with timber accents). In addition, the applicant will be removing the existing curb cut and driveway along the south side of the property. The applicant will provide a parking pad accessed from the public alley for the three required parking spaces; thereby reducing the impervious surface by 35%. If granted, the proposed variance will not be detrimental to the health, safety or welfare of the public or those utilizing the property as long as the addition and the conversion constructed to current building codes.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development for the Variance:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt the above findings and **approve** the application for a variance to reduce the north interior side yard setbacks from 9 feet to approximately 4 feet to allow for an addition and conversion from a two-family dwelling to a triplex located at 3141 Aldrich Avenue South in the R4 Multiple Family Residence District, subject to the following conditions:

- I. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.

2. All site improvements shall be completed by May 15, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The exterior materials shall be stucco with timber accents to be consistent with the existing structure.
4. The applicant shall remove the existing curb cut and driveway along the south property line and restore the boulevard and landscaped yard.
5. The applicant shall provide a walkway connecting the new parking area to the existing dwelling.

ATTACHMENTS

1. Written description and findings submitted by applicant
2. Zoning map
3. Site plan
4. Site survey
5. Plans
6. Building elevations
7. Photos
8. Oblique aerials
9. Correspondence